

City of Decatur
Board of Public Works & Safety Minutes
September 18, 2018

The City of Decatur Board of Public Works and Safety members met on Tuesday, September 18, 2018, at 6:00 P.M. at City Hall in Council Chambers, 172 N. Second Street. Members present were Craig Coshow, Bill Karbach, and Mayor Ken Meyer. Also present were City Attorney, Tim Baker and Clerk-Treasurer, Phyllis Whitright.

The Clerk-Treasurer had emailed the minutes from the September 4, 2018 meeting. Coshow made a motion to approve the minutes. Karbach seconded the motion. Motion carried.

The first item on the agenda was Mr. Nick Kos, owner of Cottonwood Estates. He appeared before the Board along with Jeremy Gilbert, Operations Manager to update where he and the City were regarding the demolition of the mobile homes. Jeremy Gilbert shared he had contacted Bunn from Fort Wayne to get them in line to have dumpsters available. City Attorney, Tim Baker noted he had a contract with a few changes that Kos and the City had previously agreed to. Mr. Kos will provide \$50,000 in an escrow account which will be used at \$5,000 a week as invoiced by the City and up to \$1,000 a day the final week. Mr. Kos expects to have the financing in place by Wednesday, September 26, 2018 and the City plans to start demolition and removal of the waste on October 1, 2018. Mr. Kos is responsible for gas and water disconnections. It was noted if there were any remaining funds in the escrow account once everything is completed, and all utilities are current, those funds would be returned to Mr. Kos. It was agreed that all trailers and sheds would be removed. Mr. Kos shared he will give eviction notices to the six (6) or seven (7) residents on Wednesday morning, September 19, 2018. Gilbert shared that the agreement he has made with Bunn includes tickets being emailed to the City with each load. Mr. Kos agreed to sign the contract once the funds are available which he hopes will be prior to September 26, 2018. The City Attorney will give the contract to the Mayor for Mr. Kos to sign when the funds become available.

Next on the agenda was Curt Witte, Building and Zoning Superintendent. Witte shared his office receives calls from insurance adjusters, appraisers, and title companies requesting additional work to be done for them. Witte shared the work can be done by his department, but it takes a lot of time. Witte has checked with the State Board of Accounts and they informed him he could charge a fee, but would need to be done by ordinance. Witte is seeking an ordinance that would allow billing for time spent to provide the information requested. City Attorney, Tim Baker suggested checking with other area municipalities to see if they have any policy. If a fee is charged, then payment should be paid in advance. Coshow suggested that the fee should be the hourly wage including benefits. Witte was encouraged to do some follow-up and bring the issue back to the Board.

Curt Witte, Building and Zoning Superintendent shared there were two (2) homes he would like to demolish. The homes are at 710 Schirmeyer Street and 904 Schirmeyer Street. The home at 710 Schirmeyer the last owner on file is Dutch LLC in Wyoming. It was noted the City is owed money for mowing the past two (2) years at that location. When bills are sent, they are returned. City Attorney, Tim Baker shared that the Secretary of State's office should be contacted to learn if Dutch LLC is still in existence. Attorney Baker noted the property would need to be determined to be unsafe. Witte mentioned that this property was up for tax sale and no bids were received. The property at 904 Schirmeyer was owned by Louis Eguia who is deceased. His nephew, Adam Eguia has a \$20,000 lien against the property, but Adam's name is not on the property. An individual has contacted the City through Adam regarding the cost to demolish the home. That individual has been paying the taxes and mowing the lawn. It was

noted that if one pays taxes and mows for ten (10) years or more they can file for the title to the property. City Attorney Baker noted the individual was likely reluctant to pay for demolition until assured he/she can get the title to the property. The Building & Zoning Supt., Curt Witte estimated the cost to demolish both homes would be \$1,500 each. The City Attorney directed Witte to notify the property owners one more time.

A third item brought forth by Curt Witte, Building and Zoning Superintendent, regarded the resident at 133 Stafford Court. It was shared that Officer Kevin Gerber had delivered notice that things had to be cleaned up on the property. It seemed the owner simply moved the objects from one side to the other. The owner was given until Thursday evening, September 20, 2018 to clean up and if it is not cleaned up the City will remove all of the articles at the owner's expense. It was noted that Bill Karbach, Code Enforcement Officer will try to contact the individual and reiterate that all must be removed by Thursday evening. Karbach shared the individual needs to be informed that the City is going to remove all items from the yard and driveway, and if the owner feels things are of value they must be stored someplace else. Witte stated he would try to contact the individual. City Attorney, Tim Baker suggested that the City take pictures so it has proof of anything it removes. It was shared by Mayor Meyer that if the individual could not be contacted during the day, perhaps Officer Gerber would be on watch to wait the owner's arrival at the home.

Mayor Meyer reported that he received an email from Attorney Bob Eherenman of Haller & Colvin from Fort Wayne who informed him that Mark Gambill has hired Attorney Pat Hess of Beckman Lawson law firm to represent Mr. Gambill in the litigation on the business located on north 10th Street. Attorney Eherenman has talked with Attorney Hess and he is willing to work on getting a settlement.

Curt Witte, Building and Zoning Superintendent, shared he feels it is necessary to have construction work bonded, due to having issues with contractors not doing work by code. He shared in Fort Wayne contractors are required to take a test, in Huntington contractors have to be licensed. Witte shared there are individuals coming in with no knowledge of what they are doing. He feels he is going from building inspector to project manager with many individuals doing work in Decatur. Witte was directed to check with other communities and report back to the board.

Jeremy Gilbert, Operations Manager, proposed amendments to the Title VI Plan. He shared the City is required by INDOT to have an ADA Compliance Plan and Title VI Transition Plan. An audit showed compliance, but a couple suggestions were made, one all-public involvement survey, which he suggested probably needs to be handed out to the Plan Commission. The other suggestion was having I Speak Cards, it was shared this is seldom an issue as it regards different people with different language. Gilbert shared the amendment needs approval and then it will be added to the Decatur website. Coshow made a motion to adopt the amendment. Seconded by Karbach, the motion was adopted.

Melissa Norby, Community Development Director, brought forth the changes requested in the MKM contract for work to help design the City's first floor area of the 2nd Street Lofts. MKM will be working with the Greater Decatur committee to develop specs to be put out for bid at a cost of \$25,000. Coshow made a motion to approve and give permission to sign the contract. Seconded by Karbach, the motion passed.

Councilmen Cam Collier, Matt Dyer, Tyler Fullenkamp, and Wylie Sirk joined the remainder of the Board of Works meeting for discussion and information purposes only.

Melissa Norby, Community Development Director, shared she had been contacted by several individuals regarding the lack of trash cans along Second Street. She shared that ~~Sam~~ Seth Haines of Can-do Media would place trash cans at no cost to the City and the City would receive 10% of the funds he would receive by selling advertisements on the cans. These cans are used by the Parks Department and they have two slots; one for paper and one for cans or plastic. It was noted that Can-do Media would provide the bags and the City would need to remove them. It was shared that it is difficult to remove the bags. Norby shared she and Mayor Meyer had walked Second Street and determined six (6) cans would be needed. The cans on Madison Street Plaza are costly at approximately \$1,000 per can. Jeremy Gilbert, Operations Manager shared a picture of a trash can that the Park Board was considering to purchase for the Nature Preserve at a cost of \$500-\$600 or less depending on the number of cans ordered. Councilman Dyer volunteered to try to find donors to help pay for the trash cans. Gilbert noted he has funds in the recycling account to use to purchase a couple to see if they would be appropriate.

Melissa Norby, Community Development Director, brought up the issue of archiving the items received on Facebook. This issue had been brought up at an earlier meeting and Norby was directed to check into specifics. She shared she had deleted an item regarding the Buckeye Pipeline event that had been received from a California resident as the comment got away from the original part. She noted that if archived there would be a record as to why the post was removed. The cost for social media archive software would cost \$199 per month, up to 1000 posts per month could be archived. Councilman Collier asked why the page takes comments and isn't just an informational page. City Attorney Baker noted requests made as posts to the City become public records. If records are requested the City must respond. Collier mentioned that you can setup the page to receive questions, but doesn't show up on the feed. Norby shared that 9 of 10 times the system works well and they hate to delete anyone's thoughts. City Attorney Baker recommended that the City keep a record of what is taken down and why. Mayor Meyer suggested that they keep the present system unless it becomes a problem with more times of misuse. Collier will look into whether or not private post can be shared and report back to the board.

Councilman Dyer inquired why First Street is closed for the Farmer's Market. Norby shared that some of the vendors have large vehicles which are not to be on Madison Street Plaza so they must stay on First Street. She noted it was also a safety issue. Norby shared that the vendors would be surveyed at the end of the season.

There being no further business to be brought before the Board, Coshow made a motion to adjourn. Seconded by Karbach, motion was adopted.

Adjournment was at 7:24 P.M.